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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,915	03/11/2004	Timothy G. Deboer	CA920030075US1	7010

48916 7590 05/21/2008

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EXAMINER	
DENG, ANNA CHEN	

ART UNIT	PAPER NUMBER
2191	

MAIL DATE	DELIVERY MODE
05/21/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/798,915	DEBOER, TIMOTHY G.	
	Examiner	Art Unit	
	ANNA DENG	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *27 March 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,21 and 22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 21 and 22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/27/2008 has been entered.

2. Claims 1, 21-22 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haikin, USPN 6,757,893 B1 (hereinafter Haikin), in view of Akin et al. USPN 6,182,254 B1 (hereinafter Akin), further in view of Thames et al. USPUB 2004/0189713 (hereinafter Thames).

Per Claim 1 (Currently amended):

Haikin teaches **A method for competitive peer programming** (Haikin, col. 1, lines 7-19, "the present invention provides a system for use by software developers during the development and maintenance of the software source code of a software system, … it is possible for multiple software developers to work on the same software source code at the same time, while still providing historical version tracking of all modifications to each of the source code lines") **comprising: enabling a first developer to make changes to a first section of source code thereby producing a first modified section of code** (Haikin, col. 1, lines 7-19, "the present invention provides a system for use

by software developers during the development and maintenance of the software source code of a software system, whereby modified versions of the source code are tracked and stored on a line-by-line basis within a source code storage. ... it is possible for multiple software developers to work on the same software source code at the same time, while still providing historical version tracking of all modifications to each of the source code lines"; also, col. 5, lines 60- 67, through col. 6, lines 1-3, the version control system of the present invention therefore creates new versions for only those source code lines that have been modified or newly created...Furthermore, the version control system of the present invention allows software developers to work together in a coordinated fashion to access, modify and integrate, in a controlled fashion, the versions of source code lines that are stored in the source code storage); **enabling a second developer to make changes to the first section of source code thereby producing a second modified section of code** (Haiking, col. 3, lines 20-30, "source code can be accessed and modified by more than one software developer at a time"); Haiking does not explicitly teach **testing said first modified section of code to produce a first test result; testing said second modified section of code to produce a second test result; comparing said first test result with said second test result; based upon the comparison**.

However, Akin teaches **testing said first modified section of code to produce a first test result** (Akin, FIG. 3, Client Test System A 300, Software Program A and Test Program A, col. 4, lines 62-65, after access to the desired test case data is established, test program A 312 issues execution instruction 322 to execute software program A 310. Likewise, test program A 312 may also compare the actual results produced from the execution of software program A310 with a set of expected results"); **testing said second modified section of code to produce a second test result** (Akin, FIG. 3, Client Test System B 302, Software Program B 336, Test Program B 334, col. 6, lines 60-62, The structure and functionality of client test system B 302 is to that of client test system A 300); **comparing said first test result with said second test result** (Akin, col. 4, lines 65-67, test program A 312 may also compare the actual results produced from the execution of software program A 310 with a set of expected results (second test result)); **based upon the comparison** (Akin, col. 5, lines 2-6, Test program A 312 may also perform other test automation tasks, including

production and analysis of test statistics, management of predetermined test flows, and data management. For example, if the actual results of software program A 310's execution match the expected results…).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Haikin to include **testing said first modified section of code to produce a first test result; testing said second modified section of code to produce a second test result; comparing said first test result with said second test result; based upon the comparison** using the teaching of Akin. The modification would be obvious because one of ordinary skill in the art would be motivated to provide a software program with selective access to a plurality of test case data elements (Akin, col. 2, lines 24-26).

The combination of Haikin and Akin does not explicitly teaches **replacing the first section of source code with either the first modified section of code or the second modified section of code**. However, Thames teaches **replacing the first section of source code with either the first modified section of code or the second modified section of code** (Thames, [1090], the changed source text is retrieved from table newfile indexed by the equivalent line number. A user dialog is then initiated showing the old source text, the new source text replacing it).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by Haikin and Akin to include **replacing the first section of source code with either the first modified section of code or the second modified section of code** using the teaching of Thames. The modification would be obvious because one of ordinary skill in the art would be motivated to automatic generation of documentation for complex datailed information such as computer program source code (Thames, [0003]).

Per Claim 21 (New):

The rejection of claim 1 is incorporation, Akin further teaches **comparing the first and second test result with a references test result** (Akin, col. 4, lines 65-67 through col. 5, line 1, test program A 312 may also compare the actual results produced from the execution of software program A 310 with a

set of expected results form the central repository; also, col. 6, lines 60-62, test program B 334 (compare second test result)); **based upon the comparison of the first, second and reference test results** (Akin, col. 5, lines 2-6, Test program A 312 may also perform other test automation tasks, including production and analysis of test statistics, management of predetermined test flows, and data management. For example, if the actual results of software program A 310's execution match the expected results…); and furthermore Thames teaches **either replacing the first section of source code with the first modified section of source code or the second modified section of source or not replacing the first section of source** (Thames, [1090], the changed source text is retrieved from table newfile indexed by the equivalent line number. A user dialog is then initiated showing the old source text, the new source text replacing it).

Per Claim 22 (New):

The rejection of claim 21 is incorporation, Akin further teaches **the reference test result is produced from an unmodified version of the first section of source code** (Akin, col. 4, lines 65-67 through col. 5, line 1, test program A 312 may also compare the actual results produced from the execution of software program A 310 with a set of expected results form the central repository).

Response to Arguments

5. Applicant's arguments filed 3/27/2008 have been fully considered but they are not persuasive.

Applicant argued:

Simply stated, Haikin is a "source code version control system (Abstract). In other words, Haikin is directed to a version control system that tracks code on a line-by-line basis but does not teach or suggest any particular method for comparing one version of code against another.

Examiner response:

Haikin teach enabling a first/second developer to make changes to a first section source code (Haikin, col. 1, lines 7-19, "the present invention provides a system for use by software developers during the development and maintenance of the software source code of a software system … it is possible for multiple software developers to work on the same software source code at the same time, while still providing historical version tracking of all modifications to each of the source code lines"; also, col. 5, lines 60- 67, through col. 6, lines 1-3, the version control system of the present invention therefore creates new versions for only those source code lines that have been modified or newly created…Furthermore, the version control system of the present invention allows software developers to work together in a coordinated fashion to access, modify and integrate, in a controlled fashion); further the combination of Haikin and Akin teaches comparing said first test result with said second test result (Akin, col. 4, lines 65-67, test program A 312 may also compare the actual results produced from the execution of software program A 310 with a set of expected results (second test result)); furthermore, Thames teaches replacing the first section of source code with either the first modified section of code or the second modified section of code based upon the comparison (Thames, [1090], the changed source text is retrieved from table newfile indexed by the equivalent line number. A user dialog is then initiated showing the old source text, the new source text replacing it) and (Akin, col. 5, lines 2-6, Test program A 312 may also perform other test automation tasks, including production and analysis of test statistics, management of predetermined test flows, and data management. For example, if the actual results of software program A 310's execution match the expected results…). Thus, the combination of Haikin, Akin, and Thames teaches all the limitations of claim 1 in the present application.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anna Deng whose telephone number is 571-272-5989. The examiner can normally be reached on Monday to Friday 9:30 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached at 571 –272-3708. The fax phone number for the organization where this application or proceeding is assigned is 703-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anna Deng/

Examiner, Art Unit 2191

/Wei Zhen/

Supervisory Patent Examiner, Art Unit 2191